

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3887 OF 2022

Shubham Nana Kate ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. Aniket Nikam instructed by Mr. Amit Icham for the Applicant.
Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 17 JANUARY 2023

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 319 of 2022 registered at Gandhinagar Police Station, Kolhapur for the offence punishable under Sections 323, 376 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The allegations against the present applicant are of rape. However, it appears that the prosecutrix had lodged one more FIR against

the present applicant, wherein she has alleged that the present applicant had committed sexual intercourse with her on various occasions during the period from March 2021 to November 2022 on false promise of marriage. In the said crime, the applicant was arrested and got bail. As regards the present crime, the alleged incident took place on 11 November 2022. However, the FIR came to be lodged on 19 November 2022. Considering these facts, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Shubham Nana Kate be released on bail in Crime No. 319 of 2022 registered at Gandhinagar Police Station, Kolhapur for the offence punishable under Sections 323, 376 of Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)